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Attorneys for Defendant and Counter-Plaintiff
TRIOLOGY, LLC

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELIAN LABS INC., a Delaware
corporation,

Plaintiff,

v.

TRIOLOGY, LLC, a Delaware limited
liability company, and DOES 1-10,

Defendants.

TRIOLOGY, LLC, a Delaware limited
liability company, and DOES 1-10,

Counter-Plaintiffs,

v.

MELIAN LABS INC., a Delaware
corporation,

Counter-Defendant.

CASE NO. 4:13-cv-04791-SBA

**STIPULATION AND ORDER
EXTENDING DEADLINE TO COMPLETE
MEDIATION**

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STIPULATION AND ORDER

This stipulation is entered into by and between Plaintiff and Counter-Defendant Melian Labs Inc. (“Melian”) and Defendant and Counter-Plaintiff Triology, LLC (“Triology”) by and through their respective attorneys of record, with reference to the following facts:

1. For the reasons set forth below, and subject to the approval of the Court, the Parties stipulate and request that the Court order an extension of the deadline to complete mediation in this matter to April 30, 2014. Good cause and the background for this request is set forth below:

2. On December 30, 2013, this Court issued its Order Granting Stipulation of Mediation under A.D.R. L.R. 6 as the Parties’ selected ADR process. The presumptive deadline to hold the ADR session is March 31, 2014.

3. On January 14, 2014, this Court notified the Parties that the mediator assigned to this case is Mr. William N. Hebert of Calvo, Fisher & Jacob LLP (the “Mediator”).

4. Following receipt of the Court’s December 30, 2013 Order and January 14, 2014 Notice, the Parties met and conferred several times in January and February 2014 to agree upon the Mediator and a date for a mediation. The Parties and the Mediator agreed to conduct the mediation on February 24, 2014 (the “Mediation”), and all Parties agreed to appear in person and with their respective counsel.

5. On or about February 21, 2014, Triology’s counsel received an urgent message from Triology’s President, Jon Eaves (“Mr. Eaves”), in which Mr. Eaves notified counsel that his mother had been placed in intensive care in Australia, and that he was unable to appear in person for the Mediation as scheduled.

6. On February 21, 2014, Triology promptly informed Melian and the Mediator of the unexpected change in circumstances. The Mediation was cancelled and the Parties and the Mediator agreed to reschedule the Mediation.

7. The Parties and the Mediator met and conferred in February 2014 and agreed to reschedule the Mediation for March 18, 2014 so that all Parties and their counsel could appear in person.

8. On March 3, 2014, Triology informed its counsel that Mr. Eaves' mother had passed away on March 3, 2014. Given the unexpected change in circumstances, Triology contacted Melian and the Mediator to inform them Triology would no longer be able to appear in person on the scheduled Mediation date of March 18, 2014.

9. Given the hardship and unforeseen circumstances, and the need to have the Parties and their counsel and the Mediator available on the same date, it is not possible to schedule the Mediation in person before March 31, 2014.

10. Subject to the approval of this Court, the Parties stipulate and request that the Court order an extension of the deadline to complete Mediation in this matter to April 30, 2014. Melian believes that a mediation that allows all parties to attend in person is necessary to create the best environment for settlement.

NOW THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

Subject to the approval of the Court:

The deadline to complete the mediation in this matter is extended to April 30, 2014.

IT IS SO STIPULATED.

Dated: March 3, 2014

Respectfully submitted,

DLA PIPER LLP (US)

By: /s/ Shannon Mo

GINA DURHAM
SHANNON MO
AMANDA MORGAN

Attorneys for Defendant and Counter-
Plaintiff
TRIOLOGY, LLC

1 Dated: March 3, 2014

Respectfully submitted,

2 THE TAILLIEU LAW FIRM LLP

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4 By: /s/ Raffi V. Zerounian

RAFFI V. ZEROUNIAN

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6 Attorneys for Plaintiff and Counter-
Defendant
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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the filing of this document has been obtained from Raffi V. Zerounian which shall serve in lieu of his signature on the document.

Dated: March 3, 2014

DLA PIPER LLP (US)

By: /s/ Shannon Mo

GINA DURHAM

SHANNON MO

AMANDA MORGAN

Attorneys for Defendant and Counter-
Plaintiff

TRIOLOGY, LLC

ORDER

Based on the foregoing stipulation of the Plaintiff and Counter-Defendant, and the Defendant and Counter-Plaintiff, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

The deadline to complete the mediation in this matter is extended to April 30, 2014.

DATED: 3/5/2014

By: *Sandra B. Armstrong*
The Honorable Sandra Brown Armstrong
United States District Judge